

United States District Court
Middle District of Tennessee

Craig Cunningham
Plaintiff, Pro Se

v.

Enagic USA Civil Action
Walter Peterson
Defendant, Pro Se

3:15-cv-00847

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DEC 16 2015

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN.

**ANSWER OF DEFENDANT WALTER PETERSON
& MY MINDS EYE LLC.**

1. Deny
2. Deny
3. Deny
4. Deny
5. Deny
6. Deny
7. Denied. My Mind's Eye is an LLC also as a Limited Liability Company, not a corporation.
8. Deny
9. Deny
10. Deny
11. Deny
12. Deny
13. Deny
14. Deny
15. Deny
16. Deny
17. Deny
18. Deny
19. Deny
20. Deny
21. Deny
22. Deny
23. Deny
24. Deny
25. Deny
26. Deny
27. Deny
28. Deny
29. Deny
30. Deny
31. Deny
32. Deny
33. Deny

34. Deny
35. Deny
36. Deny
37. Deny
38. Deny
39. I deny unequivocally that I placed any automated calls using a phone broadcasting system to call the plaintiff. The ONLY way I personally communicated initially with Cunningham is via the Phone Burner System, where I manually clicked on a button to connect with each and every person I am calling. Phone Burner does not use a random or sequential number generator, nor can it dial a number without pressing a button every time to connect. 47 USC§ 227(a)(1). I then left a manual voice mail message when he did not answer the phone and manually texted in some instances, to share information with him about the Enagic opportunity. Furthermore, after my initial call about Enagic all subsequent calls to him were follow up calls, where I pulled up his file and then called manually directly from my Skype Line 561-283-1891.
40. Denied. Here in lies another frivolous statement. That being "the defendant schemed to figure out how to take advantage of consumers." I have never in my life tried to take advantage of any individual in any business dealings. Enagic is a well established business and has an excellent product, the Kangen Water Machine; which has the ability through alkalization to raise the bodies Ph level placing the body in a very healthy state enabling the body (not the machine) to make the proper adjustments to prevent and in certain cases reverse disease. This information is publicized all over the internet in written and video format, and documented by licensed medical doctors. I have personally talked with individuals that have had complete reversals in very serious conditions and if it was not for the Kangen water machines they would not be alive today. These individuals can be contacted for corroborative oral statements if deemed necessary.
41. Denied. I never once knowingly communicated with the Plaintiff on a conference directly or indirectly.
42. Denied. Again for the record, I contacted the Plaintiff because prior he had engaged in conversation indicating he did in fact have an interest in creating a second source of income. This was not a unwanted solicitation. At no time did Cunningham tell me he was no longer interested except on the last call and at that point I respected his position and refrained from any more contact with him.
43. Deny
44. Deny
45. Deny
46. Deny
47. Deny
48. Deny
49. Deny
50. Deny
51. Deny
52. Deny
53. Deny
54. Deny
55. Deny
56. Deny
57. Deny
58. Deny
59. Denied. The plaintiff is misinformed; I am not paid via a W-2, nor am I an employee, but rather an independent contractor. I signed a W-9 with Enagic and I'm conducting my business under my LLC My Mind's Eye.
60. Deny
61. Deny
62. Deny
63. Deny
64. Deny
65. Deny

66. Deny
67. Deny
68. Deny
69. Deny
70. Deny
71. Deny
72. Deny
73. Deny
74. Deny
75. Deny
76. Deny
77. Deny
78. Deny
79. Deny
80. Denied. All pricing information is in fact available on the company website.
81. Deny
82. Deny
83. Deny
84. Denied. According to the July 10th ruling of 2015 by the FCC, the term Automatic Dialing System is defined as equipment which has the capacity (a) to store or produce telephone numbers to be called using a random or sequential number generator, and (b) to dial such numbers. 47 USC. § 227 9(a)(1). First, Phone Burner does not use nor can it implement a random or sequential number generator. Mr. Cunningham's number was manually recorded in the system, based upon his earlier sentiments conveyed to me on several occasions that he was interested in the business. Secondly, each and every time a person is called with the Phone Burner System the connection is made by human curation and intervention. The FCC stated that platforms that involve numbers entering the system through methods requiring human curation and intervention are not autodialers. Marks v. Crunch San Diego, LLC
-----F.Supp.3d-----2014 WL 5422976 (S.D.Cal 2014)
85. Deny
86. Deny
87. Deny
88. Deny
89. Deny
90. Deny
91. Deny
92. Deny
93. Deny
94. Deny
95. Deny
96. Deny
97. Denied. I never sent the plaintiff any Enagic purchase order forms or distributor application.
98. Deny
99. Deny
100. Deny
101. Deny
102. Deny
103. Deny
104. Deny
105. Deny
106. Deny
107. Deny
108. Deny
109. Deny
110. Deny
111. Deny

- 112. Deny
- 113. Deny
- 114. Deny
- 115. Deny
- 116. Deny
- 117. Deny
- 118. Deny
- 119. Deny
- 120. Deny
- 121. Deny
- 122. Deny
- 123. Deny
- 124. Deny
- 125. Deny
- 126. Deny
- 127. Deny
- 128. Deny
- 129. Denied

1. The defendant was being called as a business owner, not a resident, however I did maintain a list of Do Not Call individuals and the plaintiff was not on it, and furthermore he had expressed interest in the business opportunity repeatedly. 2. I was properly trained on the do not call list protocol. 3. Every time I called the plaintiff I identified myself and left my number for a return call.

- 130. Deny.
- 131. Deny
- 132. Deny
- 133. Deny
- 134. Denied.

The defendant always identified himself when calling. I always completed the call leaving my number.

- 135. Deny
- 136. Deny
- 137. Deny

Defendants Statement Affirmative Defenses

To reiterate, at no time whatsoever did I use an automated dialing system to contact Craig Cunningham. PhoneBurner is not an auto dialer by the aforementioned legal definitions. In fact in PhoneBurner's FAQ section they specifically state that as documented below.

21. Is Phone burner an auto dialer?

No, PhoneBurner is not an auto dialer. With PhoneBurner, the member has complete control of their dialing experience. The member decides which phone numbers to dial and remains on the phone live from the beginning to end of each call. With auto-dialers, it's the software that has control. (This is why PhoneBurner doesn't have that long delay when a human answers the phone).

Regarding the text messaging, I never used an automated system to send the plaintiff text messages either. Each time his individual number was entered from my records manually and sent from my cell phone.

Mr. Cunningham's statements regarding my involvement have no merit or foundation based with the evidence presented herein. TCPA rulings DO NOT APPLY TO ME WHATSOEVER. If I was guilty then I would make an attempt to settle, however in this case I am not in any way shape or form of any of the aforementioned presentments.

I Walt Peterson, defendant, hereby attest to and certify that the facts contained in the foregoing complaint are true and correct to the best of my knowledge, information and belief and that a true and correct copy of the foregoing was sent to the plaintiff and court of record in this case.

Respectfully Submitted,



Walter Peterson
Defendant, Pro-Se

Mailing address:
22514 Blue Marlin Drive
Boca Raton, Florida 33428

561-901-4989
walt@innovativewatersystems.com
11/11/15

11/12/15

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Dear Caroline

Enclosed my answer to Mr. Cunningham
complaint.

Thank you again for taking the time
to assist in this matter.

Have a wonderful Christmas!

Kind Regards
Walt Peterson

22514 Blue Marlin Dr
Boca Raton FL 33428



7014 2120 0002 9953 5617



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*Attn: Caroline

Attn: Caroline in Legal

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